

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

GOVERNMENT OF THE UNITED )  
STATES VIRGIN ISLANDS )  
 )  
Plaintiff, )  
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 )  
v. ) Case Number: 1:22-cv-10904-JSR  
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JPMORGAN CHASE BANK, N.A. )  
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Defendant/Third-Party Plaintiff. )  
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JPMORGAN CHASE BANK, N.A. )  
 )  
 )  
Third-Party Plaintiff, )  
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 )  
v. )  
 )  
 )  
JAMES EDWARD STALEY )  
 )  
 )  
Third-Party Defendant. )  
 )

**DECLARATION OF DAVID I. ACKERMAN IN SUPPORT OF THE  
GOVERNMENT OF THE UNITED STATES VIRGIN ISLANDS'  
MOTION TO EXCLUDE EXPERT OPINIONS OF KIMBERLY  
MEHLMAN-OROZCO, JOSEPH FONSECA, AND CARLYN IRWIN**

Pursuant to 28 U.S.C. § 1746, I, David I. Ackerman, declare under penalty of perjury as follows:

1. I am a member in good standing of the bars of the State of New York, the State of New Jersey, and the District of Columbia, and am admitted to practice before this Court. I am one of the attorneys representing the Government of the United States Virgin Islands in the above-captioned action. I am a Member of the law firm of Motley Rice LLC, and my office is located at 401 9th Street NW, Suite 630, Washington, DC 20004. I am familiar with the facts set forth herein

and if called as a witness, I could and would competently testify thereto. I submit this Declaration and the attached Exhibits in support of United States Virgin Islands' Motion to Exclude Defendant JPMorgan Chase's Expert Opinions of Kimberly Mehlman-Orozco, Joseph Fonseca, and Carolyn Irwin.

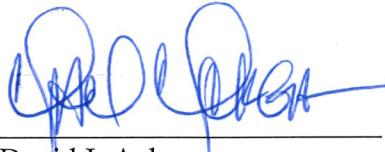
2. Attached hereto are true and correct copies of the following:

Exhibit Number	Description
Exhibit 1	Copy of the <b>Expert Report of Dr. Kimberly Mehlman-Orozco</b> , submitted on June 23, 2023, in this action. [portions designated confidential are redacted and filed under seal]
Exhibit 2	Excerpts from the transcript of the <b>Deposition of Dr. Kimberly Mehlman-Orozco</b> , taken on June 30, 2023, in this action. [portions designated confidential are redacted and filed under seal]
Exhibit 3	Screenshots from the Wayback Machine Archive reflecting the following web pages as they are asserted to have appeared on May 12, 2015: <a href="http://justitiainstitute.org/about/products">http://justitiainstitute.org/about/products</a> ; <a href="http://justitiainstitute.org/work">http://justitiainstitute.org/work</a> ; and <a href="http://justitiainstitute.org/media/in-the-news">http://justitiainstitute.org/media/in-the-news</a> .
Exhibit 4	Copy of the <b>Expert Report of Joseph Fonseca</b> , submitted on June 23, 2023, in this action. [portions designated confidential are redacted and filed under seal]
Exhibit 5	Excerpts from the transcript of the <b>Deposition of Joseph Fonseca</b> , taken July 6, 2023, in this action.
Exhibit 6	Copy of the <b>Curriculum Vitae of Carolyn Irwin</b> , submitted on July 6, 2023, in this action.
Exhibit 7	Copy of the <b>Expert Report of Carolyn Irwin</b> , submitted on June 23, 2023, in this action.
Exhibit 8	Excerpts from the transcript of the <b>Deposition of Carolyn Irwin</b> , taken on July 6, 2023, in this action.

3. The screenshots collected as Exhibit 3 were created using the Wayback Machine, an “online digital archive of web pages—‘a digital library of Internet sites’—run by the Internet Archive, a nonprofit library in San Francisco.” *Thorne v. Square, Inc.*, 2022 WL 542383, at \*1 n.2 (E.D.N.Y. Feb. 23, 2022) (taking judicial notice of materials taken from the Wayback Machine and collecting cases).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 18, 2023



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David I. Ackerman